

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

UNITED STATES OF AMERICA,

No. 3:11-CR-00385-HZ

v.

ORDER

RASHAD Q. SANDERS,

Defendant.

HERNANDEZ, District Judge:

The Court summarily DENIES Defendant's pro se 28 U.S.C. Sec. 2255 Motion to Vacate [26] on the basis that it is premature. See 28 U.S.C. Sec. 2255(a) (motion may be brought by "[a] prisoner in custody under sentence of a court established by Act of Congress. . . .") (emphasis added); see also Rule 4(b), Rules Governing Sec. 2255 Proceedings, 28 U.S.C. foll.

Sec. 2255 ("[i]f it plainly appears from the [Sec. 2255] motion . . . that the moving party is not entitled to relief, the judge must dismiss the motion . . .).

Additionally, no further pro se filings will be accepted absent prior written approval of the Court, as defendant is represented by counsel. The Clerk of the Court shall serve a copy of this order upon all counsel and also directly upon the Defendant.

IT IS SO ORDERED.

Dated this 26th day of January, 2012.

/s/ Marco A. Hernandez

Marco A. Hernandez

United States District Judge